

REMARKS

Status of Claims

Claim 1 is currently amended, and claim 8 is newly submitted. Accordingly, by this amendment, claims 1 and 8 are pending in the application for examination.

Rejection Under § 103

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shub et al., U.S. Patent No. 6,807,530, in view of Hurwitz et al., U.S. Patent No. 6,748,366, and Carlin et al., U.S. Patent No. 6,697,843. This rejection is respectfully traversed with respect to claim 1, as amended herein.

As amended, claim 1 recites “a second means in which said seller terminal...receives from said purchaser terminal information regarding...a single selected delivery agent of said plurality of delivery agents.” Conceding that Shub does not teach the noted feature, the Office Action cites Hurwitz as teaching the selection of a specific delivery agent. Applicant submits that Hurwitz neither indicates nor suggests that a purchaser performs the selection of a specific delivery agent. Rather, with respect to a purchaser, Hurwitz discloses only that the “buyer may provide information such as...delivery parameters to the trusted intermediary” (see Column 3, lines 39-43). One skilled in the art might interpret “delivery parameters” to define, for example, the mailing address to which purchased goods are to be delivered and the priority (first-class, 2-day express, overnight, etc.) under which the delivery is to be performed. However, one skilled in the art would not interpret “delivery parameters” to include the specific delivery agent that is to perform the delivery of the goods to the purchaser. Lines 47-53 in column 3 of Hurwitz, which disclose what happens after the buyer has provided the “delivery parameters” to the trusted intermediary, are consistent with the noted interpretation:

“The trusted intermediary then arranges for shipping of the goods by the seller, and payment, either directly or indirectly, by the buyer to the seller. Shipper handles the physical delivery of the goods. Shipping may be handled by any of the well-known shipping and freight companies (U.S. Postal Service, United Parcel, Federal Express, etc.).”

Significantly, Hurwitz does not indicate or suggest that the purchaser selects any one of the “well-known shipping and freight companies.” Thus, Applicant respectfully submits that Hurwitz does not teach the noted feature of Applicant’s invention.

Furthermore, as amended, claim 1 recites:

“a seventh means in which said corresponding delivery agent terminal receives from said purchaser terminal delivery instruction information regarding batch delivery of at least two of said products corresponding to said at least one match, wherein said at least two of said products corresponding to said at least one match are purchased from a plurality of sellers and wherein said batch delivery is to be delivered by said single selected delivery agent to said purchaser at a single time.”

Conceding that neither Shub nor Hurwitz teaches utilizing batch delivery to handle the delivery of goods from a plurality of sellers, the Office Action cites Carlin as teaching the noted feature. In Column 5, lines 21-29, Carlin discloses using “composed print images,” which are based on both fixed and variable data, to sort pieces of mail originating from multiple gateways. Even assuming, for the sake of argument, that Carlin teaches the batching of mail from a plurality of sources, Applicant submits that Carlin neither indicates nor suggests that the batch delivery is of products purchased from a plurality of sellers and the batch delivery is to be delivered by a selected delivery agent to a single purchaser at a single time. Rather, Carlin teaches using variable data sorted according to “the geographic region for which it is intended” and transmitting such sorted data to a “geographically appropriate mail production facility” (see Column 3, lines 23-33).

At least because of the reasons noted, Applicant submits that claim 1 is patentable under § 103(a) over the noted references. For similar reasons, Applicant submits that newly submitted claim 8, which recites the interactions amongst a purchaser, two sellers and a delivery agent, is patentable under § 103(a) over the same references.

Conclusion


The application is now believed to be in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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